IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3151 OF 2007
AND
WRIT PETITION NO. 3152 OF 2007.

Julie Krishnaswamy..... . ..... Petitioner
V/s
The State of Maharashtra & Ors..... ..... Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.Prakash Shah with Mrs.Archana Gupte, Adv. for the petitioner.

Mr.D.A.Patil, AGP for respondent Nos. 1 to 3.
Mr.Viveka Sharma, Adv. For respondent No.4.

CORAM: A.P. DESHPANDE, J.
4.5.2007

PC:

Rule. Rule made returnable forthwith.

By consent of parties taken up for final hearing.

Having regard to the dispute involved and the order that I propose to pass service of notice on respondent No.5 stands dispensed with. A recovery certificate has been issued by the Assistant Registrar under section 101 of

the Cooperative Societies Act in favour of respondent No.4-Society against the present petitioner. Aggrieved by issuance of said recovery certificate the present petitioner preferred revisions before the Divisional Joint Registrar, Cooperative Societies, Mumbai Division, Mumbai vide Civil Revision Application (Registration Nos.2850 and 2851 of 2007). The revisional authority found that the petitioner has failed to comply with the requirement of pre-deposit of 50% of the amount covered by the recovery certificate and thus declined to consider the revision applications on merit. By filing these writ petitions orders passed in above revision applications declining to entertain revision on account of failure on the part of petitioner to deposit amount of 50% as is mandated by sub-section 2A of section 154 of Maharashtra Cooperative Societies Act, is challenged. The learned counsel for the petitioner submits that when the revisions were filed the petitioner was not in position to deposit the amount

which is condition precedent for entertaining a revision having regard to the provisions of sub-section 2A of Section 154 of the Act. In all fairness the counsel for the petitioner submits that 50% of the amount covered by the recovery certificate in both the writ petitions would be deposited in Revisional Court within a period of four weeks from today. In the event of deposit of the said amount as undertaken by the petitioner with the Revisional Court within a period of four weeks from today, revision applications shall stand restored to file and the revisional authority shall proceed decide the same in accordance with law. It is made clear that after deposit of the said amount by the petitioner with the revisional court, it shall be open for the respondent No.4 to move an application for withdrawal of the said amount.

Rule made absolute in above terms.

4.5.07.